

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Baby Ray Culbreath,)	C/A No. 5:15-cv-01281-MGL-KDW
)	
)	
Plaintiff,)	
)	ORDER
v.)	
)	
Andy Strickland and Jodie Taylor,)	
)	
Defendants.)	
)	

Plaintiff, proceeding pro se and *in forma pauperis*, brought this action alleging violations of his constitutional rights pursuant to 42 U.S.C. § 1983. On October 8, 2015, Defendants filed a Motion for Summary Judgment. ECF No. 39. In an order the court advised Plaintiff of the importance of such motions and of the need for him to file adequate response pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975). ECF No. 40. Plaintiff was specifically advised that if he failed to respond adequately, the Defendants' Motion may be granted, thereby ending this case.

Notwithstanding the specific warning and instructions set forth in the court's *Roseboro* order Plaintiff has failed to respond to the Motion.¹ As such, it appears to the court

¹ The undersigned notes that previous court orders have been returned undeliverable. *See* ECF Nos. 42, 44. Out of an abundance of caution, the court is attempting to give Plaintiff another opportunity to respond to Defendants' Motion. However, it is Plaintiff's responsibility to maintain an up-to-date address with the court and clerk's office. The court previously advised Plaintiff of this responsibility in an order and specifically stated:

You are ordered to always keep the Clerk of Court advised **in writing (Post Office Box 2317, Florence, South Carolina 29503)** if your address changes for any reason, so as to assure that orders or other matters that specify deadlines for you to meet will be received by you. If as a result of your failure to comply with this Order, you fail to meet a deadline set by this court, your

that he does not oppose the Motion and wishes to abandon this action against Defendants. Based on the foregoing, Plaintiff is directed to advise the court whether he wishes to continue with this case and to file a response to Defendants' Motion for Summary Judgment by **December 17, 2015**. Plaintiff is further advised that if he fails to respond, this action will be recommended for dismissal with prejudice for failure to prosecute. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.



November 17, 2015
Florence, South Carolina

Kaymani D. West
United States Magistrate Judge

case may be dismissed for violating this Order. Therefore, if you have a change of address before this case is ended, you must comply with this Order by immediately advising the Clerk of Court in writing of such change of address and providing the court with the docket number of all pending cases you have filed with this court. Your failure to do so will not be excused by the court.

ECF No. 8 at 2. Therefore, should Plaintiff fail to respond to Defendants' Motion, the court will recommend Plaintiff's case be dismissed for failure to prosecute and for Plaintiff's failure to comply with the instructions in the April 2, 2015 order.